

EXHIBIT 452

Highly Confidential - Subject to Further Confidentiality Review

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

- - -

IN RE: NATIONAL	:	
PRESCRIPTION	:	MDL No. 2804
OPIATE LITIGATION	:	
<hr/>		Case No.
		1:17-MD-2804
THIS DOCUMENT RELATES	:	
TO ALL CASES	:	Hon. Dan A. Polster

- - -

Thursday, December 6, 2018

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CONFIDENTIALITY REVIEW

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Videotaped deposition of JASON BRISCOE, held
at the offices of Cavitch, Familo & Durkin,
1300 East Ninth Street, Cleveland, Ohio, commencing at
9:05 a.m., on the above date, before Carol A. Kirk,
Registered Merit Reporter and Notary Public.

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<p style="text-align: right;">Page 90</p> <p>1 a monthly basis because there really were not 2 that many entries, correct? 3 A. Well -- 4 MR. JOHNSON: Objection. 5 A. Yeah. I wouldn't say that we 6 didn't take that report seriously or it wasn't 7 reviewed in a significant manner. It certainly 8 was. The report and the number of examples that 9 would populate wouldn't -- does not take a 10 terribly long time to work based on the 11 infrequency by which a drug family populates. 12 Q. From 2006 until last Friday, DDM 13 has never had an order from any of its 14 pharmacies that it considered suspicious and, 15 therefore, reported it to the DEA, correct? 16 MR. JOHNSON: Objection. 17 A. Yes. 18 Q. "Yes" meaning -- 19 A. Correct. 20 Q. -- DDM has never reported one 21 single order to the DEA as suspicious from 2006 22 until at least last Friday, correct? 23 A. That is my understanding, yes. 24 Q. Those two reports, pharmacy</p>	<p style="text-align: right;">Page 92</p> <p>1 us, for us then to review their feedback on why 2 that order was shipped at the quantity it was 3 compared to the last 12 months, and then we 4 would make a decision on whether that would be 5 resolved or not. 6 Q. So from 2006 until -- well, it's 7 almost a 13-year period -- based on these 8 reports, due diligence analysis, the monthly 9 analysis of the pharmacies under the controlled 10 substance monitor policy report, the six-week 11 average report, the follow-up on the due 12 diligence, DDM never identified one single order 13 as suspicious, despite the fact it shipped and 14 distributed 72 million dosage units of 15 hydrocodone in the State of Ohio, correct? 16 MR. JOHNSON: Objection. 17 A. Yeah, I can't speak to the dosage 18 units accuracy, but I can tell you that we've 19 not reported a suspicious order. 20 Q. Do you have any idea what kind of 21 volume DDM has -- has distributed in the State 22 of Ohio dosage unit-wise? 23 A. I know where I could grab that 24 information, but off the top of my head, I do</p>
<p style="text-align: right;">Page 91</p> <p>1 operations, Mr. Nasmith (phonetic) -- 2 MR. JOHNSON: Nameth. 3 Q. Thank you. 4 -- Nameth and -- basketball, 5 football. 6 Those two reports, Mr. Nameth -- 7 Ms. Strange, was it? Stange? Strange? 8 MR. JOHNSON: Strang. 9 MR. MOUGEY: Strang. Thank you. 10 BY MR. MOUGEY: 11 Q. Those two reports, Ms. Strang, 12 Mr. Nameth, outside of that description, what 13 else did DDM do to fulfill its responsibilities 14 under 1301.74 to identify suspicious orders of 15 controlled substances? 16 A. So it would be that -- that third 17 phase where, once Mr. Nameth or myself would 18 work that report, if we were to identify that 19 followup was necessary, in our view, from the 20 store, we would send that form that I've 21 described as due diligence explaining why 22 they're receiving the form based on that monthly 23 report, and then with some instructions on what 24 information they would need to provide back to</p>	<p style="text-align: right;">Page 93</p> <p>1 not. 2 Q. Would 72 million dosage units in 3 the State of Ohio from DDM surprise you from 4 2006 to 2014? 5 MR. JOHNSON: Objection. 6 Q. Hydrocodone? 7 MR. JOHNSON: Objection. 8 A. I would have to -- to -- again, 9 would it surprise me? I'd have to look at other 10 information associated with dosage units, 11 associated all controlled substance or, further, 12 all dosage units of all medications that we 13 dispense to see what percentage of dosage units 14 we dispense at our retail locations were opioid 15 compared to the entire bucket. Forgive my term. 16 Q. Sir, did DDM have any part of the 17 process you just described to me where it was 18 monitoring Schedule IIs like OxyContin in 19 conjunction with its own Schedule III 20 distribution? 21 A. From a distribution standpoint, 22 no. 23 Q. Okay. So 1301.74, the regs under 24 the Controlled Substances Act, you would agree</p>

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<p style="text-align: right;">Page 150</p> <p>1 policies that we've walked through identified 2 orders as suspicious before they were shipped, 3 correct? 4 MR. JOHNSON: Objection. 5 Q. That's problem number one, right? 6 MR. JOHNSON: Objection. 7 A. There weren't any orders that were 8 suspicious, but in a hypothetical ... 9 Q. No, I'm not -- this isn't a 10 hypothetical. You didn't identify one order in 11 12 years, DDM, that was ever suspicious. So 12 this isn't a hypothetical. 13 In 12 years that we're talking 14 about, '06, to 2018, DDM used a formula to 15 compare one month's orders to previous orders, 16 correct? 17 A. We did, yes. 18 Q. And one of those formulas was 19 simply to confirm purchase orders with the 20 pharmacist, correct? 21 MR. JOHNSON: Objection. 22 A. One of the two reports? 23 Q. Yes, sir. 24 A. Yes.</p>	<p style="text-align: right;">Page 152</p> <p>1 generate -- the only -- only reports it 2 generated were both based on formulas comparing 3 month to month, correct? 4 MR. JOHNSON: Objection. 5 A. That is correct; however, that was 6 not the end of the system. That was only the 7 first portion of our system. 8 Q. But the only anomalies that were 9 reviewed by Mr. Nameth, DDM, anyone at DDM, were 10 anomalies on those reports, right? 11 MR. JOHNSON: Objection. 12 A. The only anomalies that would have 13 been investigated specific to these reports, 14 yes. If there was another situation that was 15 brought to our attention, I can't speak to 16 whether or not it was investigated, but I'm 17 certain it would have been. 18 Q. And the sentence here from the DEA 19 says, "For example, a system that identifies 20 orders as suspicious only if the total amount of 21 controlled substance ordered during one month 22 exceeds the amount ordered the previous month by 23 a certain percentage or more is insufficient." 24 That almost perfectly describes</p>
<p style="text-align: right;">Page 151</p> <p>1 Q. Neither of the two reports were 2 designed to halt or cease shipments once that 3 anomaly -- that order was placed on a report, 4 correct? 5 MR. JOHNSON: Objection. 6 A. On their face -- 7 Q. Yes. 8 A. -- by themselves? 9 No. 10 Q. Once -- even though it would 11 populate a report, the order would still go out 12 the door, correct? 13 A. Yes. 14 Q. Even though it would have been 15 identified as an anomaly on that report, 16 correct? 17 MR. JOHNSON: Objection. 18 A. Yes. 19 Q. The DEA relayed that formulas 20 comparing one month to a next are insufficient 21 to identify suspicious orders, correct? 22 MR. JOHNSON: Objection. 23 A. Yes. 24 Q. And that was DDM's system to</p>	<p style="text-align: right;">Page 153</p> <p>1 the DEA -- I'm sorry -- the DDM system of 2 populating reports based on averages from month 3 to month, correct? 4 MR. JOHNSON: Objection. 5 A. It doesn't describe our total 6 system. It describes the first phase of our 7 system accurately. 8 Q. It describes the first phase of 9 your system to identify anomalies -- 10 A. Not suspicious orders. 11 Q. -- on reports? 12 A. Yes. 13 Q. Yes. You all didn't consider them 14 suspicious, correct? 15 A. On those reports, no, not at that 16 point. 17 Q. So even though an order might have 18 exceeded by 99 percent, you all didn't consider 19 that to be suspicious, correct? 20 A. Correct. 21 Q. So suffice it to say, when this 22 letter came out in 2007, DDM never changed its 23 SOM policies to incorporate or identify orders 24 that may be suspicious other than the rigid</p>